

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

208

**CRM-M-33954 of 2017
DATE OF DECISION:18.09.2017**

AVTAR SINGH @ TARI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Deepak Malhotra, Advocate for
Mr. R.P. Dhir, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking interim bail in FIR No. 69, dated 27.05.2017, under Section 22 of NDPS Act, registered at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioner contends that although 11 injections of Buprenorphine 2 ML each and 51 injections of Avil 10/10 ML are stated to be recovered from the petitioner but the report of the chemical examiner has not been received. The petitioner was arrested on 27.05.2017. Learned counsel further refers to a judgment of a coordinate Bench of this Court in the case of "**Inderjit Singh alias Laddi Versus State of Punjab, 2014(3) RCR (Criminal) 953**", wherein, it has been held that in case where the report of the chemical examiner is not received, the petitioner is entitled to the concession of interim bail.

Learned State counsel, upon instructions from ASI Rashpal Singh, states that report of the chemical examiner has not been received as yet.

Heard.

The FIR was registered on 27.05.2017 and the petitioner was also arrested on the same date. Over three months have elapsed and the report of the chemical examiner has not been received .

Therefore, in view of the law laid down by a coordinate Bench of this Court in the case of "**Inderjit Singh alias Laddi Versus State of Punjab, 2014(3) RCR (Criminal) 953**", I deem it appropriate to grant concession of interim bail to the petitioner till the receipt of the report of the chemical examiner. Consequently, the petition is allowed. The petitioner shall be released on interim bail, subject to the satisfaction of the Illaqa Magistrate/trial Court.

However, this order shall remain in operation till the receipt of FSL report. The petitioner shall file an undertaking that on receipt of the report of the chemical examiner, he shall surrender before the trial Court for further proceedings.

18.09.2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned :	Yes / No
Whether reportable :	Yes / No